

**4-810. Motion for default judgment against garnishee.**

*[For use with Rule 2-802 and 3-802 NMRA in the Magistrate and Metropolitan Courts]*

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ COURT

\_\_\_\_\_, Plaintiff

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

\_\_\_\_\_, Garnishee

**MOTION FOR DEFAULT JUDGMENT AGAINST GARNISHEE**

Judgment creditor moves the court to enter a default judgment against the garnishee.

The Writ of Garnishment was served on the garnishee on \_\_\_\_\_ (*date*) and the return of service of the writ on the garnishee has been filed with the court.

The garnishee has not filed an answer or other responsive pleading with the court nor has the judgment creditor been served with a responsive pleading.

The judgment creditor requests the court to set a hearing on this motion on not less than three (3) days notice to the garnishee.

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for plaintiff

*If the plaintiff is not represented*

*by an attorney, this motion must be sworn to or affirmed by the plaintiff.*

I, \_\_\_\_\_, upon my oath or affirmation do solemnly declare or affirm that this motion contains a complete, accurate statement of the facts to the best of my knowledge. I understand that if I make a material misstatement of fact, I may be prosecuted and punished for perjury.

\_\_\_\_\_  
Signature of plaintiff

\_\_\_\_\_  
Signature of Judge, Notary or Other  
Officer Authorized to Administer Oaths

\_\_\_\_\_  
Official title

My commission expires:

\_\_\_\_\_  
(SEAL)

### **CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this motion was

[mailed by United States mail, postage prepaid, and addressed to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State

and zip code: \_\_\_\_\_]

[faxed by \_\_\_\_\_ (*name of person who faxed*) to \_\_\_\_\_  
(*defendant or defendant's attorney*). The transmission was reported as complete and without  
error. The time and date of the transmission was \_\_\_\_\_ (a.m) (p.m) on \_\_\_\_\_  
(*date*).]

[e-mailed to \_\_\_\_\_ (*name of person who transmitted*) to  
\_\_\_\_\_ at \_\_\_\_\_ (*electronic address of recipient*) who  
agreed to service in this manner. The transmission was successful. The time and date of the  
transmission was \_\_\_\_\_ (p.m) (a.m) on \_\_\_\_\_ (*date*).]

\_\_\_\_\_  
Signature of attorney

*If this notice was served by a person other than an attorney, the following must also be  
completed and filed with the court:*

### **AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a copy of this notice of appeal was served by [mail]  
[fax] [electronic transmission] as described above on this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_:

\_\_\_\_\_  
Signature of person who made service

Subscribed and sworn to before me

this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

Judge, notary or other officer  
authorized to administer oaths

---

Official title

[Approved, effective August 1, 1999.]